HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO. 9025 OF 2006

DATED: 8.6.2006

Between:

P.R.P. Rao

… Petitioner

and

The Commandant, CISF Unit

… Respondent

HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO.9025 OF 2006

ORAL ORDER:

The petitioner, a Constable working in the Central Industrial Security Force, has filed this writ petition seeking a writ of mandamus to declare the orders passed in proceedings No.V-15024/Maj/Disc/PRPR/2005-12829 dated 29.11.2005 as illegal and arbitrary.

The above said order was passed as a measure of punishment in the disciplinary proceedings initiated against the petitioner as per the provisions of the Central Industrial Security Force Rules, 2001 (for short 'the Rules') imposing the penalty of withholding one increment for a period of three years with cumulative effect.

However, it is brought to the notice of this court that as against the said order passed by the respondent, there lies an appeal as per the Central Industrial Security Force Act, 1968 (for short 'the Act').

In view of the availability of the appeal remedy, there is no special reason to entertain this writ petition. In that view of the matter, the writ petition is disposed of permitting the petitioner to file appeal before the appropriate appellate authority as contemplated under the Act and Rules within a period of four weeks from the date of receipt of a copy of this order. On filing of such appeal, the appellate authority shall entertain the appeal without raising any objection as to limitation and consider the said appeal on its own merits uninfluenced by any observations made in this order, within a period of three months thereafter. No order as to costs.

R. SUBHASH REDDY,J

Date: 8.6.2006
CVM